

Exhibit A
Declaration of Edward G. Henifin

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:12-cv-790-HTW-LGI
(Clean Water Act Case)

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:22-cv-00686-HTW-LGI
(Safe Drinking Water Act Case)

DECLARATION OF EDWARD G. HENIFIN IN SUPPORT OF
UNITED STATES' UNOPPOSED MOTION TO ENTER STIPULATED ORDER
(CLEAN WATER ACT CASE)

I, Edward G. Henifin, pursuant to 28 U.S.C. § 1746, declare as follows:

1. Exhibit 1 to this declaration is a true and accurate copy of my *curriculum vitae*.
2. In addition to the professional experience described in my *curriculum vitae*, I have firsthand experience working on matters in the City of Jackson, Mississippi's ("the City's") drinking water system. Most significantly, on November 29, 2022, the Court in the above-

captioned Safe Drinking Water Act Case entered an interim stipulated order that appointed me to serve as the interim third-party manager of the City's drinking water system ("Water ITPM"). If the Stipulated Order is approved by the Court, I will also serve as the interim third-party manager of the City's sewer system ("Sewer ITPM") and believe I can effectively serve in both capacities.

3. As described in my *curriculum vitae*, I have nearly 25 years of experience with sewer system issues and management in the public sector, first as the Director of Public Works for the City of Hampton, Virginia and then as the General Manager of the Hampton Roads Sanitation District ("HRSD"). HRSD handled wastewater/sewage treatment across multiple cities and counties in southeast Virginia with a population of about 1.7 million commercial and residential customers. As General Manager, I managed a staff of over 800 employees and oversaw the operations of a wastewater collection system comprised of more than 500 miles of pipes and a wastewater treatment system comprised of eight major plants and six smaller ones. *Id.* I retired from the Hampton Roads Sanitation District in 2022.

4. Any suggestion that I was involved in the Flint, Michigan drinking water matter is inaccurate. I have never been to Flint, Michigan. From 2006 until 2022, I was fully engaged in my position as the General Manager of HRSD.

5. As part of the interim stipulated order appointing me as the Water ITPM, I was assigned responsibility for the City's Water/Sewer Business Administration Division ("WSBA"). Among other things, the WSBA is responsible for billing and collecting revenues for the drinking water and sewer system from both residential and commercial customers. These local water and sewer revenues, which consist primarily of customer payments for water and sewer service, are allocated to the City's Water & Sewer Enterprise Fund, which funds the operation

and maintenance of the City's drinking water system and sewer system and funds debt service for capital improvements to both systems.

6. Beginning years before I began serving as the Water ITPM, the WSBA has had problems billing and collecting water and sewer revenues. Stabilizing the billing and collection of water and sewer revenues is a critical element of putting both the drinking water and sewer systems on a path towards stability. Between December 2022 through June 2023, the WSBA had a collection rate of 56.2%. I also have estimated that there may be up to 7,000 properties that are receiving water and sewer services but not being billed.

7. Collection of WSBA bills is especially important on the sewer side. While there are certain federal and state grant and loan funds available to be used for the sewer system, those funds may only be used on capital improvement projects and are not available to be used for operation and maintenance expenses or other non-capital costs.

8. In the approximately 10 months since my appointment as the Water ITPM, significant progress has been made towards stabilizing the drinking water system. These accomplishments were summarized in my most recent Quarterly Report in the Safe Drinking Water Act Case, filed with the Court on August 1, 2023. *See United States v. City of Jackson*, Case No. 3:22-cv-00686-HTW-LGI, Dkt. No. 41 (S.D. Miss.) (Consolidated Report of Activities for the quarter ended June 30, 2023). Additional accomplishments include locating and repairing a significant leak at the former Colonial Country Club property which was estimated to be leaking 5 million gallons per day of fully treated drinking water. *See id.* at 55. In addition, the number of boil water notices issued, unrelated to planned maintenance activities, have dropped dramatically and more importantly no citywide notices have been necessary since January 2023.

9. In my position as the Drinking Water ITPM, I have supervised and trained City employees and contractors, procured contractors (including contractors from Jackson or from within Mississippi) to perform tasks requiring expertise or equipment beyond the City's existing resources, evaluated the financial challenges facing the Sewer System (as part of evaluating the public water system), and developed a financial management plan to address such challenges.

10. More recently, with the long stretch of dry weather the water system has been impacted by the shrinking clay soils resulting in hundreds of line breaks. In the last week of August, the system experienced over 100 breaks. In the past, deep freezes in 2020, 2021 and 2022 created similar issues that took the entire system down for weeks. With the work accomplished since the ISO was entered, this event did not create any system wide pressure loss. The few disruptions to service were isolated to a small number of customers directly in the area where repairs were made.

11. With respect to the use of contractors and City employees for the sewer system, I plan to continue the City's pre-existing contract with a national engineering firm, Veolia, to operate its wastewater treatment plants. There are approximately 3 years remaining on Veolia's contract. As I have done in my role as the Water ITPM, I intend to seek out and hire local small businesses and minority-owned businesses to perform some of the work required by the Sewer Priority Project List. For example, through June 30, 2023, 11% (over \$2.5 million) of my total contract spending as the Water ITPM has gone to minority-owned businesses. Excluding Jacobs—the contractor that I hired to operate the City's water treatment plants only because no local firms had the required specialized expertise—over 18% of my total contract spending has gone to minority-owned businesses. *See id.* at 12. I also will continue my ongoing efforts to

ensure that the current City sewer employees can find meaningful employment with some of the firms that will be doing the sewer work.

12. To provide information to the public about sewer overflows, I intend to put in place systems to (a) create and regularly update a “heatmap” webpage of reported ongoing sewer overflows, reflecting both the location and estimated volume of sewer overflows and (b) send electronic notifications of newly reported sewer overflows through an opt-in text or e-mail system. I estimate it may take up to six months before these systems are fully operational.

13. For find-and-fix problems (such as sewer main breaks and back-ups), I intend to deploy personnel, vacuum trucks, and other equipment where it is most needed in my professional judgment, considering among other things the urgency, severity, and impact of the problem.

14. As the Water ITPM, I have also established a 24/7 call center to respond to drinking water issues. The call center wait times have drastically improved since I have established this system (average wait time is under 2 minutes with more than 400 calls answered daily). The call center currently receives calls about the sewer system and forwards them to the City for response. Once I am appointed as the Sewer ITPM, the call center will take over the responsibilities of responding to sewer-related calls.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24TH day of SEP, 2023, in JACKSON MISSISSIPPI



Edward G. Henifin

Exhibit 1: *Updated Curriculum Vitae*

Declaration of Edward G. Henifin
Exhibit 1 - *Curriculum Vitae*

Edward G. Henifin (Ted)

Experience

2022 – Present JXN Water

Interim Third-Party Manager

- Court appointed manager of the City of Jackson's water system
- Built team of staff and contractors to stabilize water system
- Applied for and received federal grant funding
- Developed long range financial plan
- Contracted with national firm to operate and maintain water treatment plants
- Largely stabilized system, repaired hundreds of leaks, opened over 90 closed valves

2022 – 2022 US Water Alliance

Senior Fellow

- Support work to build capacity to assist disadvantaged communities access BIL funding through the SRF
- Provide utility perspective and review for various initiatives and programs

2006–2022 Hampton Roads Sanitation District Virginia Beach, VA

General Manager

- Chief executive officer of regional wastewater treatment agency
- District covers 3100 sq miles and serves 1.7 million people
- Manage staff of 800+
- Responsible for annual operating budget of \$285 million
- 2018-2027 capital investment program in excess of \$2.35 billion
- Issued over \$700 million in bonds since 2008 including Senior and Subordinate Revenue Bonds, Variable Rate Demand Bonds and Build America Bonds – total outstanding debt approximately \$850 million
- Extensive experience with development of financial policies, long range financial forecasting, presentations to rating agencies
- Lead negotiator for Federal Consent Decree with significant affordability issues
- Extensive experience developing full-cost rate proposals for governing body approval – approved rate increases in excess of 224% since 2006

1997–2006 City of Hampton Hampton, VA

Director of Public Works

- Managed multi-disciplined department with 375+ full time employees
- Provided daily critical services to 146,000 residents
- Responsible for solid waste, wastewater, storm water, streets and traffic systems, engineering, facilities, waste-to-energy
- Developed and executed \$34 million annual budget

1992-1997 Navy Public Works Center Norfolk, VA

Deputy Site Manager, Little Creek Site

- Senior civilian managing multi-disciplined public works operation -300+ full-time employees
- Responsible for all public works services including facility maintenance for over 1,000,000 SF of operational space and 1000 units of family housing
- Converted department to a regionally managed Public Works Center Site with full cost recovery

1989-1992 Naval Amphibious Base, Little Creek Norfolk, VA

Director of Engineering Division, Public Works Department

- Managed multi-disciplined in-house design staff
- Administered annual professional services contracts

1987-1989 Norfolk Redevelopment and Housing Authority Norfolk, VA

Senior Engineer

- Administered design contracts for redevelopment projects
- Coordinated joint permit applications

1985-1987 Naval Amphibious Base, Little Creek Norfolk, VA

Architectural, Structural and Civil Branch Head, Engineering Division, Public Works Department

1985 Atlantic Division, Naval Facilities Engineering Command

Civil Engineer, Maintenance Division

1982-1985 Naval Amphibious Base, Little Creek Norfolk, VA

Civil Engineer, Engineering Division, Public Works Department

1982 Navy Public Works Center Norfolk, VA

Civil Engineer, Facilities Planning Division

Education BS Civil Engineering, University of Virginia

Registration Registered Professional Engineer, Virginia, Mississippi

Professional and Civic Engagement 2015 Civic Leadership Institute

2009 LEAD Virginia

2022 – Present – Elizabeth River Project
Board Member

2017 – 2022 - US EPA Environmental Financial Advisory Board
Member

2016 – 2022 – WHRO Public Media
Board Member

2014 - Present - Langley Federal Credit Union
Director, Chair

2012 – 2022 - First Presbyterian Church, Hampton
Treasurer

2006 – Present - Hampton Neighborhood Development Partnership
Board Member, Treasurer, President

2012 – 2022 - Virginia Forever

Board Member, Board Member Emeritus

2011-2020 - National Association of Clean Water Agencies

Board Member

2008 – 2016 - Virginia Association of Municipal Wastewater Agencies

Board Member, President

2006 – 2014 - Downtown Hampton Child Development Center

Board Member President

2004 - 2014 - American Red Cross, Hampton Roads Chapter

Board Member, Chair

2003 - 2018 - George Wythe Recreation Association

President and Treasurer